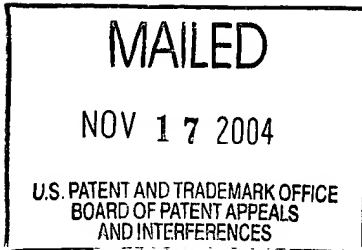


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte SATOSHI ARAKAWA

Application No. 09/943,355

ORDER RETURNING TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 1, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 3 of the Examiner's Answer mailed June 10, 2004, the examiner listed the following references under the heading "(9) Prior Art of Record";

US 5,115,132 A	Saotome et al.	5-1992
JP 11-38533 A	Arakawa	2-1999
US 4,814,616 A	Saotome	3-1989

It is noted that the Ohyama et al. (US004767927A) reference cited on page 6 of the Examiner's Answer under the heading "(10)

Grounds of Rejection" is not included as "Prior Art of Record."

In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (7th Ed., Rev. 2, May 2004), clarification is required regarding the pertinence of the Ohyama et al.

reference. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Ohyama et al. reference under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed June 10, 2004.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for clarification under MPEP § 1211 regarding the pertinence of the Ohyama et al. reference listed on page 6 of the Examiner's Answer;

Application 09/943,355

2. if appropriate, for compliance with MPEP
§ 1208(A)(9) by listing the Ohyama reference in a Supplemental
Examiner's Answer under the heading "References of Record"; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW

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